

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

CONSERVATION LAW FOUNDATION,
INC.

Plaintiff,
v.

Case No. 1:18-cv-11279-NMG

**JOINT MOTION TO EXTEND TIME FOR
SERVICE OF COMPLAINT TO
DECEMBER 17, 2018**

MASSACHUSETTS DEVELOPMENT
FINANCE AGENCY; LAUREN A. LISS, in
her official capacity as PRESIDENT AND
CHIEF EXECUTIVE OFFICER of the
MASSACHUSETTS DEVELOPMENT
FINANCE AGENCY; JAY ASH, in his official
capacity as CHAIR of the MASSACHUSETTS
DEVELOPMENT FINANCE AGENCY;
BRIAN KAVOOGIAN, in his official capacity
as VICE CHAIR of the MASSACHUSETTS
DEVELOPMENT FINANCE AGENCY; JAY
ASH, in his official capacity as CHAIR of the
MASSACHUSETTS DEVELOPMENT
FINANCE AGENCY; JAMES E. CHISHOLM,
in his official capacity as BOARD MEMBER of
the MASSACHUSETTS DEVELOPMENT
FINANCE AGENCY; JAMES W. BLAKE, in
his official capacity as BOARD MEMBER of
the MASSACHUSETTS DEVELOPMENT
FINANCE AGENCY; KAREN GRASSO
COURTNEY, in her official capacity as
BOARD MEMBER of the MASSACHUSETTS
DEVELOPMENT FINANCE AGENCY;
PATRICIA MCGOVERN, in her official
capacity as BOARD MEMBER of the
MASSACHUSETTS DEVELOPMENT
FINANCE AGENCY; GRACE FEY, in her
official capacity as BOARD MEMBER of the
MASSACHUSETTS DEVELOPMENT
FINANCE AGENCY; RACHEL MADDEN, in
her official capacity as BOARD MEMBER of
the MASSACHUSETTS DEVELOPMENT
FINANCE AGENCY; JUAN CARLOS
MORALES, in his official capacity as BOARD

MEMBER of the MASSACHUSETTS)
 DEVELOPMENT FINANCE AGENCY;)
 CHRISTOPHER P. VINCZE, in his official)
 capacity as BOARD MEMBER of the)
 MASSACHUSETTS DEVELOPMENT)
 FINANCE AGENCY; DEVENS ENTERPRISE)
 COMMISSION; WILLIAM P. MARSHALL, in)
 his official capacity as CHAIRMAN of the)
 DEVENS ENTERPRISE COMMISSION;)
 WILLIAM CASTRO, in his official capacity as)
 BOARD MEMBER of the DEVENS)
 ENTERPRISE COMMISSION; DIX DAVIS, in)
 his official capacity as BOARD MEMBER of)
 the DEVENS ENTERPRISE COMMISSION;)
 ARMEN DEMERIJAN, in his official capacity)
 as BOARD MEMBER of the DEVENS)
 ENTERPRISE COMMISSION; JAMES E.)
 DEZUTTER, in his official capacity as BOARD)
 MEMBER of the DEVENS ENTERPRISE)
 COMMISSION; MELISSA FETTERHOFF, in)
 his official capacity as BOARD MEMBER of)
 the DEVENS ENTERPRISE COMMISSION;)
 CHRISTOPHER LILLY, in his official capacity)
 as BOARD MEMBER of the DEVENS)
 ENTERPRISE COMMISSION; JOHN)
 OELFKE, in his official capacity as BOARD)
 MEMBER of the DEVENS ENTERPRISE)
 COMMISSION; JIM PINARD, in his official)
 capacity as BOARD MEMBER of the DEVENS)
 ENTERPRISE COMMISSION; MARTIN)
 POUTRY, in his official capacity as BOARD)
 MEMBER of the DEVENS ENTERPRISE)
 COMMISSION; J. PAUL ROUTHIER, in his)
 official capacity as BOARD MEMBER of the)
 DEVENS ENTERPRISE COMMISSION; and)
 ERIC STOLTZUS, in his official capacity as)
 BOARD MEMBER of the DEVENS)
 ENTERPRISE COMMISSION,)
)

Defendants

**JOINT MOTION TO EXTEND TIME FOR SERVICE OF COMPLAINT TO
DECEMBER 17, 2018**

Plaintiff Conservation Law Foundation, Inc. (“CLF”) and Defendants Massachusetts Development Finance Agency (with its individually-named officers and board members) and Devens Enterprise Commission (with its individually-named officers and board members) (collectively, the “Parties”), hereby respectfully move that this Honorable Court extend the time for CLF to serve the complaint pursuant to Fed. R. Civ. P. 4(m), 6(a)(1)(c), and 6(b), for good cause. In support of this motion, the Parties state:

1. On June 19, 2018, CLF filed its complaint in this matter, alleging violations of Sections 301(a) and 402 of the Clean Water Act, 33 U.S.C. §§ 1311(a) and 1342, and applicable Clean Water Act regulations.
2. Pursuant to Fed. R. Civ. P. 4(m), CLF had until September 17, 2018 (90 days from the filing of the complaint) to effectuate service of the complaint.
3. The Parties have engaged in substantive discussions via email, telephone, and in person to explore the possibility of a negotiated resolution of this matter.
4. The Parties have agreed to continue those discussions and intend to exchange revised settlement positions and meet in person two or more times during the next 90 days to try to negotiate a resolution of this matter.
5. Pursuant to Fed. R. Civ. P. 4(m) and 6(b)(1)(A), when a request for an extension of the time for service is made before the deadline for service of the complaint has expired, the Court may grant the requested extension of the time for service where good cause is shown.

6. The Parties respectfully, and jointly, propose that facilitation of ongoing settlement discussions and the potential for those discussions to produce a negotiated resolution of this matter, thereby conserving scarce judicial resources and the resources of the Parties, represents “good cause” under Fed. R. Civ. P. 6(b)(1)(A).

Wherefore, the Parties respectfully request that this Honorable Court grant their motion and extend the deadline for CLF to effectuate service until Monday, December 17, 2018.

Respectfully submitted on this 14th day of September, 2018, by:

CONSERVATION LAW FOUNDATION, INC.

By its attorney,

/s/ Zachary K. Griefen
Zachary K. Griefen, Esq.
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Date: September 14, 2018

MASSACHUSETTS DEVELOPMENT FINANCE AGENCY
AND ITS INDIVIDUALLY-NAMED OFFICERS AND BOARD MEMBERS

By their Attorney,

/s/ Jonathan M. Ettinger
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Date: September 14, 2018

DEVENS ENTERPRISE COMMISSION
AND ITS INDIVIDUALLY-NAMED OFFICERS AND BOARD MEMBERS

By their Attorney,

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Date: September 14, 2018

CERTIFICATE OF E-SERVICE

I, Zachary Griefen, certify that this document filed through the ECF system will be sent electronically to registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on today's date.

Dated: September 14, 2018

/s/ Zachary Griefen